



CASE N-32809A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

GIBSON ET AL.

APPLICATION NO: 10/721,652

FILED: NOVEMBER 25, 2003

FOR: PREBIOTIC COMPOSITIONS

MS: Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Vanik:

In response to the Office Action mailed 18 July 2005, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a one-month shortened statutory period in which to respond, ending on 18 August 2005. Submitted herewith is a Petition for a Two-Month Extension of Time extending the due date to 18 October 2005. Accordingly, this amendment is timely submitted. Applicant responds through his attorney as follows.

Restriction was required to one of the following groups under 35 U.S.C. §121:

| Group | Claims | Description |
|-------|--------|--------------------------------------------------------------------------------|
| I | 1-11 | Compositions comprising fructo-oligosaccharides and a galatco-oligosaccharide; |
| II | 18-25 | Method of using a composition |

Applicants elects Group I, claims 1-11, compositions comprising fructo-oligosaccharides and a galatco-oligosaccharide, subject to the Rejoinder provisions of MPEP 821.04.

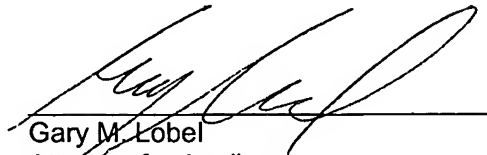
IN THE CLAIMS

Applicant requests cancellation of claims 18-25 without prejudice.

If a telephone interview would be of assistance in advancing the prosecution of the application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Respectfully submitted,

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Date: 30 September 2005